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| Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address<br><br>McCarthy & Holthus, LLP<br>Melissa Robbins Coutts, Esq. (SBN 246723)<br>2763 Camino Del Rio South, Suite 100<br>San Diego, CA 92108<br>Telephone: (877) 369-6122<br>Facsimile: (619) 685-4811<br>Email: mcoutts@mccarthyholthus.com<br><br><input type="checkbox"/> Individual appearing without attorney<br><input checked="" type="checkbox"/> Attorney for: Plaintiff HSBC Bank USA | FOR COURT USE ONLY  |
| <b>UNITED STATES BANKRUPTCY COURT<br/>CENTRAL DISTRICT OF CALIFORNIA - NORTHERN DIVISION</b>   |   |
| In re:<br>RUDI LEO LONDT<br><br><br><br><br><br><br><br><br><br>Debtor(s).   | CASE NO.: 9:23-ap-01016-RC<br>CHAPTER: 13<br><br><br><br><br><br><br><br><br><br><b>APPLICATION FOR ORDER SETTING<br/>HEARING ON SHORTENED NOTICE<br/>[LBR 9075-1(b)]</b> |

1. Movant applies under LBR 9075-1(b) for an order setting a hearing on shortened notice on the following motion:
  - a. Title of motion: Motion to Remand Unlawful Detainer Action to Superior Court
  - b. Date of filing of motion: 5/17/2023
2. Compliance with LBR 9075-1(b)(2)(A): (***The following three sections must be completed***):
  - a. Briefly specify the relief requested in the motion:

Plaintiff HSBC Bank USA, National Association as Trustee for Merrill Lynch Mortgage Investors, Inc., Mortgage Pass-Through Certificates, Mana Series 2007-OAR2, its assignees and/or successors, seeks an order remanding the case to Ventura County Superior Court on the basis that Defendant/Debtor Rudi Leo Londt's Notice of Removal filed on May 12, 2023 is untimely, procedurally improper, and the Court lacks subject matter jurisdiction over the state-law unlawful detainer action.

- b. Identify the parties affected by the relief requested in the motion:

Defendant/Debtor Rudi Leo Londt

- c. State the reasons necessitating a hearing on shortened time:

Defendant/Debtor Rudi Leo Londt has engaged in a pattern of wrongfully removing the state-court unlawful detainer action to federal District Court and Bankruptcy Court in an effort to needlessly delay the proceedings and avoid the case from reaching an adjudication on its merits. The history of improper removals and remands is set forth in the attached Declaration of Melissa Coutts. This latest Notice of Removal was filed three days before the Superior Court hearing on Plaintiff's Motion for Summary Judgment. Given the history of delays caused by Defendant's repeated misuse of the removal procedure, Plaintiff respectfully requests an order shortening time for the hearing of its Motion to Remand to avoid further prejudice to Plaintiff.

3. Compliance with LBR 9075-1(b)(2)(B): The attached declaration(s) justifies setting a hearing on shortened notice, and establishes a *prima facie* basis for the granting of the motion.
4. Movant has lodged a proposed Order Setting Hearing on Shortened Notice on mandatory form F 9075-1.1.ORDER .SHORT.NOTICE

Date: 5/17/2023

McCarthy & Holthus, LLP

Printed name of law firm

/s/ Melissa Robbins Coutts

Signature of individual Movant or attorney for Movant

Melissa Robbins Coutts, Esq.

Printed name of individual Movant or attorney for Movant

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
2763 Camino Del Rio S, Suite 100, San Diego, CA 92108

A true and correct copy of the foregoing document entitled: **APPLICATION FOR ORDER SETTING HEARING ON SHORTENED NOTICE [LBR 9075-1(b)]** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 05/17/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

TRUSTEE Elizabeth (ND) F Rojas (TR), cacb\_ecf\_nd@ch13wla.com

US TRUSTEE ustpregion16.nd.ecf@usdoj.gov

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (date) 05/17/2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

PLAINTIFF(S)

Rudi Leo Londt, 11755 Barranca Rd, Santa Rosa Valley, CA 93012 - Via USPS Mail

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

05/17/2023  
Date

Stefano Ramirez Encarnacion  
Printed Name

Signature

This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California.